

REMARKS

This amendment is responsive to the Office Action dated June 16, 2004. Claims 1, 2 and 4 - 14 are pending in this application. Claims 1, 2, 4 and 12 have been allowed. Claims 5 - 11, 13 and 14 are rejected. Reexamination is respectfully requested in light of the following amendments in the claims.

Claim Rejections - 35 USC § 102

Claims 5, 6, 7, 9, 10, 11, 13 and 14 have been rejected as anticipated, or in the alternative as obvious over US Patent 4, 920,096 to Bedoukian. In addition, these claims, plus claim 8, have been rejected as anticipated by, or in the alternative as obvious over US Patent 4,444,982 to Nagashima.

The underlying theory in both rejections is that the rejected claims are product by process claims, and that determination is based upon the product itself. The Examiner has cited references which broadly include wood extracts (cedar wood oil '096) or a chemical which simulates the aroma of agarwood ('982).

In this amendment, Applicant has amended the claims to state that the perfume composition contains the fragrance collection liquid which collects the fragrance ingredient. Applicant's specification (paragraphs 0028, 0046 and 0047). Prior art relied

upon by the Examiner does not include the claimed fragrance collection liquid.

Applicant's specification further states that Applicant discovered that the claimed fragrance collection liquid was an improvement over compositions containing fragrant wood extract only (paragraph 0050). It is believed that the references cited by the Examiner and as construed by the Examiner relate to fragrant wood extracts only (such as oils).

In Applicant's paragraphs [0047] to [0050] (pages 15 - 17) and Table 6 (pages 16 and 17), it can be seen that the only difference between Working Examples 8 and 9 and Comparative Example 4 is in the quantity of fragrance collection liquid (line 21) and the quantity of fragrant wood extract (line 22). As shown using the standard at the bottom of page 15, when only the fragrant wood extract is used (Comparative Example 4), the evaluation is (-), and when equal parts of fragrant wood extract and fragrance collection liquid are used (Working Example 9) the evaluation is (+). This shows that when only fragrant wood extract is used that the excellent aroma is not obtained. U.S. Patent 4,920,096 uses only fragrant wood extract. Table 6 shows that smell quality is improved by addition of fragrance collection liquid or by use of fragrance collection liquid (Working Example 8).

Discussion of the References

Nagashima '982 discloses an invention which relates to synthetic compounds are disclosed as providing agarwood scent ingredients. In '982, there is no disclosure of any absorption solvent to obtain a fragrance collection liquid. Instead, the chemistry is created absent wood entirely, and the compound disclosed is an artificial compound which is different than that which has been claimed. The fragrance is chemically different in '982 and there is no disclosure at all of a fragrance collection liquid which is set forth in claim 1 and which is present in the perfume composition of claim 5.

'096 Bedoukian

This reference disclosed extraction of a cedar wood oil by means of a water insoluble solvent, such as toluene (column 3, lines 32 - 36). More importantly, toluene can be removed substantially in its entirety from the extract, thereby enhancing the purity of the resulting cedar wood oil. It is further recommended that the toluene removed substantially in its entirety can be recycled for further use in carrying out subsequent processing. No place in '096 is it disclosed that the disclosed cedar wood oil combined with solvent extraction is used in a perfume. In fact, '096 teaches away from using the solvent extraction fluid in a subsequent product such as perfume, and, hence, teaches away from Applicant's invention. In any event, '096 does not anticipate claim 5 as now amended which requires

that the perfume contain the fragrance collection liquid previously set forth in claim 1.

It is, therefore, respectfully submitted that the product now set forth in claims 5, 6, 7, 8, 9, 10, 11, 13 and 14 is clearly distinguished from the product set forth in the references relied upon by the Examiner. Therefore, it is respectfully requested that this application be allowed.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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